



13281 U.S. PTO
042204

PATENT

ATTORNEY DOCKET NO. 053893-5047-01

32499 U.S. PTO

10/829475



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
MAIL STOP: REISSUE
Washington, D.C. 20231

REISSUE PATENT APPLICATION TRANSMITTAL

This is a request for filing a reissue application for:

Original U.S. Patent No.: 5,994,515
Original Patent Issue Date: November 30, 1999
First Named Inventor: James A. HOXIE

For: ANTIBODIES DIRECTED AGAINST CELLULAR CORECEPTORS FOR
HUMAN IMMUNODEFICIENCY VIRUS AND METHODS OF USING THE
SAME

1. This application is for the reissue of a: **Utility Patent**
2. The papers enclosed to obtain a filing date are as follows:
 - 32 Pages of specification including
 - 1 Page of claims
 - 2 Pages of abstract, title page, patent number and date of issue
 - 14 Sheets of 51 Formal drawings containing 8 Figures
3. Reissue Oath/Declaration and Power of Attorney
 - ☐ Enclosed and is executed by all inventors.
 - ☒ Not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration.
4. Assignment
 - ☒ U.S. Patent No. 5,994,515 is assigned of record to **Trustees of the University of Pennsylvania** and is recorded at Reel 008859, Frame 0203 recorded on December 18, 1997.

13281 U.S. PTO
042204

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS FOR FEE CALCULATION (based on Preliminary Amendment)				
Claims in Patent	Number Filed in Reissue Application	Number Extra	at Rate of	Basic Fee Reissue \$770.00
Total Claims (37 C.F.R. §1.16(j))	20-7 =	-	\$ 18.00 each =	\$0.00
Independent Claims (37 C.F.R. §1.16(i))	3-1 =	-	\$ 84.00 each =	\$0.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$290.00	\$0.00
SUB-TOTAL =				\$770.00
Reduction by ½ for filing by a small entity				- \$385.00
TOTAL FILING FEE =				\$385.00

6. Small entity status

☒ Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

7. Fee Payment

☒ The Commissioner is hereby authorized to charge **\$385.00** to our Deposit Account 50-0310.

8. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

9. Additional papers enclosed:

☒ Submission of Reissue Patent Application.

Please accord this Reissue Application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Erich E. Veitenheimer
Erich E. Veitenheimer
Registration No. 40,420

Dated: April 22, 2004

MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
202.739.3000
Customer No. 009629

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Original U.S. Patent No.: 5,994,515
Original Patent Issue Date: November 30, 1999
First Named Inventor: James A. HOXIE

For: ANTIBODIES DIRECTED AGAINST CELLULAR CORECEPTORS FOR
HUMAN IMMUNODEFICIENCY VIRUS AND METHODS OF USING THE
SAME

Commissioner for Patents
MAIL STOP: REISSUE
Washington, D.C. 20231

Sir:

SUBMISSION OF REISSUE PATENT APPLICATION

Submitted herewith is an application for reissue of U.S. Patent No. 5,994,515.

The reissue includes amendments to the patent claims taking into account the adverse decision in Patent Interference No. 105,059 and the designation therein of claims 6 and 9 as not corresponding to the lost count. More specifically, claim 1 has been limited to the subject matter of claim 6. Also, claims 5 and 6 have been canceled as redundant. While claims 2-4, 7 and 8 were designated as corresponding to the interference count, these dependent claims have been retained in view of the indicated amendment of claim 1 to delete the interfering subject matter.


The reissue application, as amended, is thought to be allowable.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: April 22, 2004

By:


Erich E. Veitenheimer
Reg. No. 40,420

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
202-739-3000

OTHER PUBLICATIONS

- Power et al., 1996, *Trends Pharmacol. Sci.* 17:209–213.
Power et al., 1995, *J. Biol. Chem.* 270:19495–19500.
Premack et al., 1996, “Chemokine receptors: Gateways to inflammation and infection”, *Nature Medicine* 2:1174–1178.
Queen et al., 1989, *Proc. Natl. Acad. Sci. USA*, vol. 86:10029–10033.
Ratner et al., 1987, *AIDS Res. and Hum. Retroviruses* 3:57–69.
Sambrook et al., 1989, *Molecular Cloning: A Laboratory Manual*, Cold Spring Harbor, NY—too voluminous to submit.
Samson et al., 1996, *Biochemistry* 35:3362–3367.
Sattentau, et al., 1986, Epitopes of the CD4 Antigen and HIV Infection, *Science*, vol. 234:1120–1122.
Schneider-Schaulies et al., 1995, *Proc. Natl. Acad. Sci. USA* 92:3943–3947.
Simmons et al., 1996, *Virology* 70:8355–8360.
Simmons et al., 1995, *Virology* 209:696–700.
Stefano et al., 1993, *J. Virol.* 67:6707–6715.
Striziki et al., 1997, *J. Virol.* p. 5678–5683.
Sung Co et al., 1992, “Chimeric and Humanized Antibodies with Specificity for the CD33 Antigen”, *J. Immunol.* 148:1149–1154.
Takeuchi et al., 1991, *J. Virol.* 65:1710–1718.
Tateno et al., 1989, *Proc. Natl. Acad. Sci. USA* 86:4287–4290.
Weiner et al., 1991, *Pathobiol.* 59:361–371.
Willett et al., 1997, “Common mechanism of infection by lentiviruses”, *Nature* 385:587.
Weiss et al., 1996, *Nature* 381:647–648.
Wright et al., 1992, “Genetically Engineered Antibodies: Progress and Prospects”, *Critical Rev. in Immunol.* 12(3, 4):125–168.
Wu et al., 1996, *Nature* 384:179–183.
Zagury et al., 1988, *Proc. Natl. Acad. Sci. USA* 85:5941–5945.